

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCELINO GARCIA,

Petitioner,

-v-

WILLIAM PHILLIPS, Superintendent of Green
Haven Correctional Facility,

Respondent.

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DOC #:
DATE FILED:

05 CV 5683 (KMK)

ORDER ADOPTING REPORT AND
RECOMMENDATION

KENNETH M. KARAS, U.S.D.J.:

On April 7, 2010, Magistrate Judge Yanthis entered a Report & Recommendation ("R&R") recommending that this Court dismiss this Habeas Corpus Petition. (R&R (Dkt. No. 24) 8.) In the R&R, Magistrate Judge Yanthis provided notice that objections to his conclusions were due within seventeen days, and that failure to object would constitute a waiver of Petitioner's right to appeal. (*Id.* at 8-9.) No objections have been filed.

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Eisenberg v. New England Motor Freight, Inc.*, 564 F. Supp. 2d 224, 226 (S.D.N.Y. 2008); *Donahue v. Global Home Loans & Fin., Inc.*, No. 05-CV-8362, 2007 WL 831816, at *1 (S.D.N.Y. Mar. 15, 2007). The Court has reviewed the R&R and finds no error, clear or otherwise. The Court therefore adopts the R&R in its entirety.

Therefore, it is ORDERED that the Petition is DISMISSED. The Clerk of the Court is respectfully requested to close this case.

DATED: White Plains, New York
July 23, 2010


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE